

REMARKS

In the application claims 1, 2, 4, 6-10, and 31 remain pending. Claims 3, 5, 11-30, 32, and 33 have been canceled without prejudice. Independent claim 1 has been amended to further clarify what is regarded as the invention. Support for the amendment is found in the application as originally filed. No new matter has been added.

The pending claims presently stand rejected primarily based upon the combination of Walsh (U.S. Published Application No. 2003/0050058) and Lappetelainen (U.S. Patent No. 7,072,697).

The reconsideration of the rejection of the claims is, however, respectfully requested. Specifically, it is respectfully submitted that the cited references, whether considered alone or in combination, cannot be said to disclose, teach, or suggest the invention now set forth in the claims when the claims are considered “as a whole,” i.e., each and every element considering each and every word.

The claimed invention is generally directed to a server computer driven content synchronization system that also provides for the conservation of power in a portable device to which content is to be automatically provided from the server computer. To this end, the claimed invention provides for the server computer initiating the automatic content synchronization process with the portable device being maintained in a low power state until such time as the portable device is within communication range of the server computer and the server computer signals the portable device that it is intended to communicate content to the portable device.

In direct contrast to the system set forth within the claims, Walsh describes a system in which a user interacts with a portable device to manually initiate a retrieval of

content from a server computer. Since the system of Walsh requires a user to manually initiate the retrieval of content from the server computer, it will be appreciated that the system of Walsh not only fails to be server computer driven but also fails to provide for an automatic initiation of content synchronization as is claimed. In addition, it will be appreciated that the system of Walsh would not need or even benefit from a modification to provide for power conservation in the manner that is specifically claimed. In this regard, since the system of Walsh is portable device driven and manually activated when it is desired to initiate the retrieval of content from the server computer, there would be no need to modify the portable device of Walsh for the purpose of conserving power since a portable device within a system such as described within Walsh would never have a need to use power until such time as the user determines that the portable device is to be turned on and used to retrieve content from the server computer. Accordingly, it is respectfully submitted that any proposed modification of Walsh using the teachings of Lappenelainen would not only change the principle of operation of Walsh, i.e., change the system of Walsh from a manual and portable device driven system to an automatic and server computer driven system, but would also reflect the use of hindsight, i.e., the using of the applicant's disclosed server driven, automatic content synchronization and portable device with complementary power conservation system as the template to piece together elements from Walsh and Lappenelainen which elements those of skill in the art would not consider combining but for the applicant's disclosure. For at least this reason it is respectfully submitted that the rejection of the claims must be withdrawn.

CONCLUSION

It is respectfully submitted that the application is in good and proper form for


allowance. Such action of the part of the Examiner is respectfully requested.

While it is not believed that any fee is due, the Commissioner is authorized to charge any fee deficiency to deposit account number 50-2428 in the name Greenberg Traurig.

Respectfully Submitted;

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By: _____



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